



MINUTES
MAY 17, 2006

Chairman Finaldi read the legal notice. Attorney Neil Marcus and Dainius Virbickas, PE spoke in favor of this. Mr. Virbickas said this is a vacant parcel in the CG-20 zone on which they are proposing a 2,160 sq.ft. Dunkin Donuts. He said all access to this parcel will be from

Springside Ave. He said they need to widen Springside Ave. to create the proper access. The abutting properties to the north are single family and above that is a Fire Station. They need to provide 17 parking spaces and one handicapped space. The State requires 14 spaces queuing for a drive-thru. There is municipal water and sewer available and they have designed a storm drainage system for on-site detention. They need to add trees along the frontage and the parking isles to comply with the landscaping requirements. They also are proposing a stockade fence to screen the north and east property lines. They are currently addressing some of the Departmental comments that they have received.

Alan Mess from Barkan & Mess, said this is a corner lot with the access being located as far back from intersection as permitted. Springside Ave. is narrower and basically serves single family homes. He said they received accident information from the Police Department for a three year period and there were four reportable accidents at the intersection. They also did traffic counting in February of this year. He said Dunkin Donuts is basically a morning type facility with traffic lessening during the day with an average 200 trips in the morning and 40 trips in the evening. About 60% of the traffic is already on this street with an additional 40% due to this Dunkin Donuts. He said it is difficult turning into and making a left turn out of Springside Ave. due to the narrowness of the road. He said they want to discourage parking along Springside Ave. and they recommend no parking signs be posted along that frontage. Chairman Finaldi asked if someone is waiting to turn left into Springside, is there enough room for someone to pass them on the right side. Mr. Mess said he doubts it is wide enough for that. Chairman Finaldi said this is especially important due to the proximity of the Fire Station and Danbury Hospital. Mr. Mess said in that situation, the emergency vehicles would have to use the alternate route of Locust Ave. Mr. Blaszk asked if there was any thought given to a creating a bypass lane. Mr. Mess said it is not feasible, mostly because it would be way too expensive to acquire the necessary land.

Attorney Marcus said he had received the Fire Marshal's letters but did not quite understand them. He also questioned the comment about the traffic information being five years old, saying he does not know what information they were looking at. He referred to the second letter and questioned the comments regarding Osborne St.. He said it may have too much traffic but that has nothing to do with Springside Ave. as this traffic already exists. If there is too much traffic and the Fire Station is prevented from getting out, there are solutions but that is a problem that has nothing to do with this application. He suggested if the City is worried about traffic on Osborne they might want to consider installing a light that turns red when the door to the Fire Station is open. He suggested the Commission might want to ask the Fire Marshal to explain his report. He said this is a significant improvement to the neighborhood as it will clean up the site and put it back on the tax rolls. The applicant has several other businesses in the area and has demonstrated that they take care of their properties. He then suggested that this is part of an overall upgrade to the area starting with the new Hospital building.

Mrs. Emminger said there were a couple of points in her staff report that she wanted to bring up. She asked if they have a noise study ready for the next meeting. Attorney Marcus said they provided it for the South Main St location and this is the same situation. Mrs. Emminger asked him to tailor it for this site and also provide the requested lighting plan. She asked if there is any contamination on this site due to its previous use. Attorney Marcus said there is a study being done regarding this issue. Mrs. Emminger asked that they provide a summary of the report to the Commission. .

Chairman Finaldi asked if there was anyone to speak in opposition to this application and several people came forward.

Lila Shaker, 206 Osborne St., said she has lived there since 1957. She said this proposal will bring at least 500 cars into this neighborhood and back up traffic on all of the surrounding streets. There are many children who walk to the schools in this area, the crosswalk has crossing guard to help the children get across the street. She said Springside Ave. is not level with Osborne St. and that often causes visibility problems. She said there already is a tremendous amount of traffic in this area for many reasons: Fire Station 23 is less than 500 ft away from this intersection, school buses travel this roadway all day long, and there are four large medical office buildings in the immediate area. She said there are many, many accidents in this area and she has cars driving into her yard all the time. She said she has to hold her breath to pull out onto Osborne St. She said there are cars speeding on this road all the time and since Garamella Blvd. was built, Osborne St. has become a thruway. The pollution from the cars will cause damage to the health of the neighborhood. She said the hours a Dunkin Donuts is open are not conducive to the abutting residential properties. She also mentioned that this area becomes extremely dangerous in the winter weather. Chairman Finaldi asked what goes on there now and she said A-1 Towing owns it. It was cleaned up about three years ago, but no contaminated soils were removed. A-1 had brought in about 100 cars, but they were told they couldn't store them all there, so they had to remove them.

Carla & Mark Pierce, 7 Springside Ave., said they live diagonally across the street. Mrs. Pierce said she has lived there all of her life and the addition of 500 vehicles per day will make an already dangerous situation worse. She said they did their own counts at the Dunkin Donuts on South St. and the traffic never stopped. She said her research at the Police Department found many more accidents than their report listed. She said the crossing guard who is at the Fire Station everyday, Rhonda Williams, said this is so dangerous because people speed on this road and cannot stop. She said she had to watch all the time to be sure that no children get hurt. Mrs. Pierce then said there is the safety issue and the possible light and noise pollution. She added that her son is 12 and rides his bike on Springside Ave. so she is really worried about the traffic. She said this is a residential neighborhood with the exception of three commercial lots, this being one of them. It would be detrimental to the entire neighborhood. Mr. Pierce then asked where they would get the land to be able to widen the road. He said this intersection was just redone 5 years ago. He then asked since there isn't enough room for a car to pass on the right when someone is waiting to turn left into Springside Ave., what will happen if a fire truck or ambulance has to get by. Mr. Virbickas came forward and showed Mr. Pierce on the map where they would widen the road. Mr. Pierce said they definitely will need a traffic light there because no one will be able to get out of Springside Ave. He added that a paving company that just bought one of these commercial lots and they are not going to be happy about this either. Mrs. Pierce said this will definitely be a safety hazard as the additional traffic it will create could potentially block the fire trucks from getting out in an emergency.

Clifford Kaiser, 17A Springside Ave. said he just wanted to reiterate what has already been said. He said it is difficult to get out now and based on the way traffic backs up at other Dunkin Donuts, it will only get worse.

Lynn Waller, 83 Highland Ave., said enough has been said about traffic so she will not say more, although it will get worse with this proposal. She said this is an assault on the neighborhood and she is concerned about the noise pollution. She referenced a residential

Chairman Finaldi said he listened to the tapes, reviewed the file and read the minutes. Mrs. Emminger said she had prepared a letter summarizing all of the reports, as well as the Commission's and the general public's comments. She said she had referred this to the Candlewood Lake Authority and their recommendation will be forwarded to the Siting Council along with our recommendation. This letter contains concerns about the proposed tower height, design, safety issues and aesthetics. The applicant did not adequately demonstrate the public need for a tower of this height, nor did they go far enough in looking for additional sites. It seems to have many more slots than what is needed for the proposed tenants as specified. Chairman Finaldi said some of the alternative shielding methods they proposed were not really desirable either, citing an example of an antenna made to look like a pine tree pole on the Interstate in NY. Mr. Blaszkowski said the City staff was not given adequate time to review

the alternate locations. He said safety is always a concern and this is located too close to the church itself. The issue of it being an attractive nuisance would draw the children to it since it looks like a fun place. The proximity to the wetlands is an issue and the overall aesthetics are not satisfactory. Alternative sites must be explored and they really need to demonstrate the need for new or additional service. Chairman Finaldi said Mrs. Emminger did a good job addressing all of the issues and comments. Mrs. Emminger then reviewed all of the exhibits, her staff report, the comments from Paul Estefan (Airport) and Dan Baroody (Health/Environmental), copies of the letters to the editors (News-Times), and the letter to the Siting Council. There was a brief discussion of how the recommendation should be made.

Mr. Blaszkowski made a motion to send a negative recommendation to the Siting Council with reasoning based on the letter drafted by Mrs. Emminger paying particular attention to pages 1-3 of the letter. Mr. Deeb seconded the motion and it was passed unanimously.

First Nine Corporation – Application for five (5) lot subdivision (2.767 acres) in the RA-20 Zone and Request for Waiver to Portions of Chap. 4, Secs. B.11. & B.12. of the Subdivision Regulations – “Butler Ridge” – 36 Golden Hill Rd. & Ford Lane (#H11055 & #H11276) – Subdivision Code #05-11. Public hearing closed 5/3/06 – 65 days will be up 7/7/06.

Mr. Deeb made a motion to table this until the next meeting. Mr. Blaszkowski seconded the motion and it was passed unanimously..

RDB Associates – Request for Floodplain Permit – “Elmer’s Diner”, 22-24 Padanaram Rd. (#H10124 & #H10125) – SP #00-09.

Mrs. Emminger said there had been a previous Floodplain Permit issued for this site in August 2003 for Ann’s Place. She said since the proposed use has changed to a restaurant and they had to add a basement, the Floodplain Permit must be revised. Mr. Blaszkowski suggested that the second paragraph be amended to show the year 2003. Mr. Deeb made a motion to approve this request. Mr. Blaszkowski seconded the motion and it was passed unanimously..

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NEW BUSINESS:

- 1) Pharmaceutical Discovery Corp. – Application for Special Exception to allow a use (“Mannkind Corporation”) generating in excess of 500 vehicle trips per day – Casper St. (#J14207) – SE #645. Public hearing scheduled for June 21, 2006.

Chairman Finaldi noted that this application would be on file in the Planning & Zoning Office.

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REFERRALS:

8-24 Referral/January 4th CC Agenda Item #10 – Carla Drive. Tabled at 1/18/06 meeting pending comments from Engineering.

8-24 Referral/February 7th CC Agenda Item 26 – Eagle Road Center LLC Transfer of Property to City of Danbury. Tabled at the 3/1/06 meeting for additional info.

Eagle Road Ctr. – Request for third reduction in bond amount per Waiver to Subdivision Regulations approved on September 15, 2004 – SUB #89-12 (aka SE #588/Lots 1 & 2). *Tabled at 1/18/06 meeting pending information from the Engineering Dept.*

Mr. Blaszkowski made a motion to table both of these items pending additional information. Mr. Deeb seconded the motion and it was passed unanimously.

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The Communications listed four Cease & Desist Orders and the For Reference Only listed four requests for Floodplain permits and four public hearings scheduled for June 7, 2006

At 9:40 PM, Mr. Deeb made a motion to adjourn. The motion was seconded by Mr. Blaszk.